

Virginia:

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the General District Courtroom located on the third floor of the Nelson County Courthouse, in Lovingston, Virginia.

Present: J. David Parr, West District Supervisor – Chair
Jesse N. Rutherford, East District Supervisor
Dr. Jessica L. Ligon, South District Supervisor
Candice W. McGarry, County Administrator
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
Linda K. Staton, Director of Finance and Human Resources
Dylan M. Bishop, Director of Planning and Zoning
Kevin Wright, Director of Animal Control

Absent: Ernie Q. Reed, Central District Supervisor – Vice Chair
Thomas D. Harvey, North District Supervisor

I. CALL TO ORDER

Mr. Parr called the meeting to order at 2:02 p.m. with three (3) Supervisors present to establish a quorum. Mr. Harvey was absent.

- A. Moment of Silence
- B. Pledge of Allegiance – Mr. Rutherford led in the Pledge of Allegiance.

II. PUBLIC COMMENTS

Robert Gubisch - Faber, VA

Mr. Gubisch stated that he was there to let the Board know that there were many people are wondering if they could put a hold on swimming pools and baseball fields for the time being. He commented that there were so many unknowns they were facing now, especially economically. He noted that a gentleman spoke on water at the last meeting and it was obvious that the projects would become a heavy requirement on water, which was becoming more and more precious. He commented that Nelson was very blessed to have good well water. He suggested that the County investigate the COVID story. He noted that with his vast research, he found that the children were put children through a bad experience that was completely unnecessary. He commented that the children were not at risk of dying and the world was not going to come down on them. He said that the children were really paralyzed for a long time. He noted that it had come out that the six (6) feet distancing and masks had no science behind them. He commented that they had left a mark on the children and he hoped it would never happen again. Mr. Gubisch thanked the Board members for their service.

Michele Regine - Faber, VA

Ms. Regine spoke regarding the speed limits on County roads. She noted that the Governor had mentioned that from July 10th forward, Counties could set the speed limits for local roads. She indicated that she lived on Route 6, which had a 55 mph speed limit and most people traveling on Route 6 from 29 to 151 drove way above that limit. She noted that she had spoken with her Supervisor, Mr. Reed. She indicated that it was not only Route 6, but also 151. She suggested that they reexamine those areas, particularly areas like Nellysford where there were businesses. She said that the speed limit in Nellysford should be 35 mph. She also suggested that the speed limit at Ashley’s Market and Blue Mountain should be lower.

William Percy - Lovingston, VA

Mr. Percy requested that the Board send an RFP to Blue Line Solutions and Altumint for Speed Enforcement by Camera in the School Zones. He commented that there was no way the County could lose money with the deal. He suggested that the money could be earmarked for the School System so there would be no question as to whether they were trying to make money off of it. He asked the Board to have VDOT look at overpass at Front Street, 29 and Callohill to potentially get it on Smart Scale or the Six Year Plan. He noted that he felt this would go along with the Board’s resolution to reduce fatalities on our roads. Mr. Percy then thanked Robert Brown with VDOT for the paving on the southbound lanes of 29 with the exception of coming down hill into Lovingston. He noted that there was not enough room to get off to the left to slow down and turn left at Northside. He suggested that the turn lane be extended.

III. CONSENT AGENDA

Dr. Ligon moved to approve the Consent Agenda as presented and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted to approve the motion by vote of acclamation and the

following resolutions were adopted:

A. Resolution – **R2024-57** Minutes for Approval

**RESOLUTION R2024-57
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(March 22, 2024)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **March 22, 2024** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2024-58** Budget Amendment

**RESOLUTION R2024-58
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2024-2025 BUDGET
August 13, 2024**

I. Appropriation of Funds (General Fund)			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
	\$ 12,830.00	3-100-002404-0003	4-100-013010-5413
	\$ 4,718.00	3-100-002404-0017	4-100-021060-3160
	\$ 10,310.00	3-100-002404-0017	4-100-021060-3160
	\$ 1,833.00	3-100-002404-0034	4-100-031020-1014
	\$ 364.00	3-100-002404-0034	4-100-031020-1014
	\$ 30,720.00	3-100-003303-0025	4-100-031020-7045
	\$ 93,000.00	3-100-001899-0030	4-100-081020-7056
	\$ 7,257.00	3-100-009999-0001	4-100-081050-3010
	\$ 3,983.34	3-100-001899-0008	4-100-091030-5202
	\$ 1,250.00	3-100-009999-0001	4-100-091030-5656
	\$ 18,000.00	3-100-002404-0061	4-100-999000-9905
	\$ 379,582.00	3-100-009999-0001	4-100-093100-9203
	\$ 563,847.34		
II. Reappropriation of Funds (School Fund)			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
	\$ 379,582.00	3-205-004105-0001	4-205-061100-9301
	\$ 379,582.00		
III. Transfer of Funds (General Fund Contingency)			
	<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
	\$ 25,000.00	4-100-999000-9901	4-100-022010-1003
	\$ 10,240.00	4-100-999000-9905	4-100-031020-7045
	\$ 1,000.00	4-100-999000-9905	4-100-091030-5604
	\$ 36,240.00		

IV. PRESENTATIONS

A. VDOT Report

Mr. Robert Brown of VDOT reported that repairs were ongoing from the storm that took place last week. He noted that they had two road closures yesterday, with one of those being Millpond. He reported that Millpond was reopened yesterday afternoon. He noted that they had one closure that day at Route 645, Carter Road. He explained that a bridge along Route 645 had sustained some damage and the repairs were being completed that day, with it anticipated to be reopen by the afternoon.

Mr. Brown reported that there were many road washouts, erosion, clogged pipes and pipes that had been uncovered, mostly in areas around Schuyler and north of Wingina towards Schuyler around the Rockfish

River basin. He noted that VDOT crews from Campbell, Appomattox and Amherst Counties were also working in the area to get the roads back in as quickly as possible.

Mr. Brown then reported that VDOT planned on cutting two (2) lane primaries now. He indicated that it was their intention to mow the four (4) lanes prior to Labor Day. He noted that the litter pickup contractor should be finished in Nelson.

Mr. Brown referenced the public comment regarding the new speed limit legislation. He noted that he would be sending the Board and Ms. McGarry some information on the legislation passed to allow localities to reduce speed limits. He indicated that in order for a locality to reduce a speed limit, it had to be on a road already posted with a 25 mph speed limit. He noted that it did not require a traffic study, and it could be lowered to either 20 mph or 15 mph. Mr. Brown indicated that there was a process involved and he noted that he would send a fact sheet over on that process. Mr. Parr asked how many section of road they had in Nelson with a 25 mph speed limit. Mr. Brown noted that most were in Lovington and a few subdivision streets elsewhere. Mr. Rutherford asked Mr. Brown to send a list of roads in Nelson with a 25 mph speed limit. Mr. Brown noted that he could do that. He also indicated that the legislation would not have as big of an impact in Nelson County as it would in Amherst and Campbell Counties where there were a lot of subdivisions. Dr. Ligon noted Gladstone and asked about traffic calming and whether it was more effective than lowering the speed limit. Mr. Brown noted that based VDOT's studies, they did not recommend any change in the speed limit in Gladstone where it was posted 25 mph. He indicated that they also determined that due to the geometry of Gladstone, the severe curves on both ends, and in the middle of the main stretch of Gladstone, were great for traffic calming. He noted that there was a guide on traffic calming and he could send so that the Board could look at it. Mr. Brown explained that traffic calming required an initial traffic study which had to be done by the County or community. Dr. Ligon asked how recent that study would need to be and if one done in the last five (5) years would be acceptable. Mr. Brown indicated that it would have to be done fairly recent in order for VDOT to accept it.

Supervisors then discussed the following VDOT issues:

Mr. Rutherford:

Mr. Rutherford thanked Mr. Brown for VDOT's efforts, especially in the Schuyler area. He noted that they were very responsive. He asked Mr. Brown to thank the Shipman crews. He noted that there were a few roads where the culverts were washed out pretty severely, specifically on Rockfish River Road and other areas. Mr. Rutherford noted that he would send a list to Mr. Brown. He also asked Mr. Brown follow up on Whippoorwill when he had a chance. Mr. Brown commented that he did not think Whippoorwill would come in under rural addition because there were no rural addition funds to rebuild it. He noted that the only viable option was Revenue Sharing. He commented that the additional right of way needed could be obtained through Revenue Sharing, but it would be much less expensive if the right of way was obtained by others and recorded, platted and given to VDOT.

Dr. Ligon:

Dr. Ligon had no VDOT issues to discuss.

Mr. Parr:

Mr. Parr thanked VDOT for their work, especially the Thursday prior. He noted some snake charmers were needed. Mr. Brown noted that the water made the snakes move.

Ms. McGarry asked Mr. Brown if he could speak to the Board's request on the VDOT traffic study on Route 29 at the High School/Middle School complex. She noted that Mr. Brown had provided some results and she hoped he would speak in public session about it. Mr. Brown reported that basically the traffic engineers did not find anything that could be done to help the situation. He explained that the engineers said that having the officer stop traffic was the most effective way to get the break in traffic to get the buses out. He noted that the engineers did not recommend any additional signage or traffic control measures other than the officer working the intersection. He commented that from what understood, the Sheriff's folks did a great job creating breaks in the traffic to allow the buses to get out.

B. Departmental Report – Animal Control

Ms. McGarry introduced the Departmental Report. She noted that many years ago, the report was done on a regular basis, and they would have each department head come and provide a brief overview of their department, present their report and answer any questions. She indicated that this was just an effort to revive the practice.

Officer Kevin Wright, Director for Animal Control was present to provide the report for his department. Officer Wright indicated that his monthly report showed a spike in the number of calls per service. He explained that any time they had severe weather, there was usually an increase in the number of calls for service. He noted that the fees collected at the shelter had gradually increased due to the shelter fee increase. He indicated that he expected the fees to consistently stay up because of the fee increases.

Officer Wright reported that the first department head meeting with the County Administrator in his time with Animal Control since January 2013. He commented that the department head meeting went well and was appreciated. He noted that Ms. McGarry had asked the department heads to highlight their challenges and success within their departments. He commented that with every challenge in Animal Control, it was their goal to make it a success.

Officer Wright noted that one of Animal Control's challenges currently was the shelter infrastructure. He reported that they were in the process of scheduling the replacement of the Shelter roof and he thanked the Board for the funding for the roof. He explained that they had a drainage issue in the center of shelter where all animal waste from the kennels goes to the drain. He noted that the kennels had been there since the construction of the facility. He explained that they would need to take the kennels out and then fix the drain situation. He indicated that it would require fairly extensive construction and he was working to have blueprints drawn up and quotes. Officer Wright noted that he would be providing details and more information as they moved forward.

Officer Wright explained that one of the big issues that Animal Control faced was how the public viewed them. He commented that each person viewed Animal Control differently. He explained that a lot of the issue had to do with social media. He noted that people had a platform to immediately respond to some distaste or something they do not agree with. He stated that one of their goals was to find a way to show the public what Animal Control actually does. He noted that in his time with the department, Animal Control had changed quite a bit. He stated that he did not believe the citizens knew what a call for service required. He noted that one of the recent complaints was that people saw them on the side of the road doing nothing, which was insulting. Officer Wright explained that the Animal Control officers were completely independent in their trucks. He noted that pre-COVID, the Board had approved onboard computers where Animal Control could be dispatched through their trucks, and they could do their reporting from the trucks. He noted this ability allowed them to be more effective because they could stay in the field longer. He explained that stray pickup was not all they did. He noted that they had criminal investigations that kept them in the field. He indicated that they also were taking calls for service and making sure they had the necessary probable cause. He pointed out that it took time to go after those cases in a safe manner.

Officer Wright reported that during the department head meeting, he spoke with Maureen Kelley about getting help with the Animal Control webpage and possible social media. He welcomed any suggestions that may help put that positive image out into the community. He commented that he felt like they were doing a great job, he just did not think people realized what it took to handle a basic stray call.

Officer Wright reported that the new Sheriff and administration has allowed Animal Control to be a part of something that was promoting Animal Control in a positive way. He noted that they participated in Cop Camp with the Sheriff's Office over the summer. He expressed his appreciation for the Sheriff including Animal Control. He noted that alert training at Rockfish was some of the best training. He explained that the alert training was an amazing thing to have under their belts as it trained them to know how to deal with an active shooter situation. He indicated that the community was better off because of that training. He commented that the more they used social media, not just in his office, it would help to get a positive image out there.

Mr. Rutherford thanked Officer Wright and his staff for their service, noting that they had done a great job. He noted that the members of community who have benefitted from the good actions of Animal Control were not necessarily as loud as the complaints. He commented that the Board heard the good things and knew they were doing a great job. Dr. Ligon commented that it was a pleasure working with Officer Wright and noted that he ran a tight ship.

Mr. Parr thanked Officer Wright. He noted the ribbon on Officer Wright's shield which was in memory of Smyth County Deputy Hunter Reedy who was recently killed in the line of duty. He noted that Nelson County certainly sympathized and empathized with Smyth County after the loss of Chris Wager here. He thanked Officer Wright for showing support to Smyth County.

V. NEW & UNFINISHED BUSINESS

A. Lovington Sewer Project Support Agreement (R2024-59)

Ms. McGarry reported that the Board had been briefed over the past few months that this project would come before them for consideration. She explained that the support agreement was for the Lovington

Sewer Project and was required by the financing entity, which was USDA Rural Utility Service. She indicated that the support agreement was required to be executed between all entities, in order for the Service Authority to take on the \$600,000 loan from USDA Rural Utility Service.

Jennifer Fitzgerald, Assistant Executive Director of the Nelson County Service Authority was present to discuss the project. She reported that approximately 16,000 linear feet of clay pipe currently served the Lovingston community, and of that, 8,000 linear feet would either be replaced or lined with cured in place pipe (CIPP). She explained that the CIPP technology was a trenchless rehabilitation method that was used to replace existing pipelines. She noted that it was a jointless, seamless pipe lining within the existing pipe. She indicated that one of the benefits of the CIPP technology was that it did not require excavation to rehabilitate a pipeline that was leaking or structurally unsound. She noted that this method would extend the pipeline for up to 50 years, which was almost the timeframe that the pipeline had been in the ground. Ms. Fitzgerald indicated that the repairs would eliminate the inflow and infiltration issues that they were currently experiencing with the system during large rain events. She reported that the Service Authority had one (1) to two (2) manhole overflows or blockages per year, which was mainly caused by root intrusion of the pipe. She pointed out that sanitary sewer overflows were a public health concern that impacted the environment and were also prohibited by the Virginia Pollution Discharge Elimination Permit issued by the Virginia Department of Environmental Quality.

Ms. Fitzgerald reported that as part of the project, they would be replacing 31 manhole covers and frames, along with the lining of the sewer laterals and manholes. She explained that the project would start off with CCTV inspections of the sewer lines, which is where they would inspect the sewer lines by camera without having to dig. She noted that this method was a very effective way to monitor the pipe without having to disrupt the current sewer line or dig up someone's yard.

Ms. Fitzgerald reviewed the project schedule. She noted it took longer for the agreement to be approved by USDA's Office of General Counsel than anticipated. She also noted the unexpected passing of their project engineer. She reported that the initial start of the project was to be July 2024 and noted that they anticipated that the delay would delay the project by about five (5) to six (6) months. She reported that the total project budget was \$2,235,000 with a grant of 71 percent of that amount. She indicated that the project was estimated to take 18 months to complete.

Mr. Rutherford asked if the grant was similar to the one received for Schuyler. Ms. Fitzgerald confirmed that it was. Mr. Rutherford asked if the grant was income based. Ms. Fitzgerald confirmed that the grant was based on income. She noted that was the maximum amount of grant they could get.

Mr. Rutherford noted it was another great thing for Lovingston and very timely. He commented that the terra cotta pipe had been a recurring issue. He also noted that there had been many issues with the manholes in Lovingston. He asked that they look at some Community Development Block Grants for water infrastructure as it related to the water pipes. He noted that the water lines were around the same age as the terra cotta pipe. He offered to advocate or assist if needed. He suggested that if they were going to be doing the work, this was the best four (4) to five (5) year block of time to have it done.

Dr. Ligon asked if it was possible that the CCTV inspection would reveal that the pipes were too far gone to use the repair process selected. Ms. Fitzgerald noted that it would not. She explained that the process was very effective and cured in place. She noted that in essence it created a whole pipe inside deteriorated/separated pipe currently in place. Mr. Rutherford noted that the process was pretty sophisticated, but basically a pump sprayed a fluid inside the pipe which stuck to the interior of the pipe and hardened up. He indicated that they also used it in Schuyler. Ms. Fitzgerald noted it was also done in Gladstone.

Ms. McGarry indicated that **Resolution R2024-59** was provided to create a moral obligation to finance the loan portion of the project, which would be a commitment of approximately \$28,000 per year. She noted that the amount was dependent on the interest rate at closing. She noted that the other obligation that the County had was to establish a 10 percent reserve for 10 years, until there is one (1) annual payment accumulated, which would be equivalent to the \$28,000 per year in Debt Service that the Board would provide to the Service Authority for payment of the loan portion of the project.

Mr. Rutherford moved to approve **Resolution R2024-59** as presented and Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote and the following resolution was adopted:

RESOLUTION R2024-59
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION TO APPROVE A SUPPORT AGREEMENT
IN CONNECTION WITH THE ISSUANCE OF A REVENUE BOND BY
THE NELSON COUNTY SERVICE AUTHORITY

WHEREAS, pursuant to the Virginia Water and Waste Authorities Act, Chapter 51, Title 15.2, Code of Virginia of 1950, as amended (the “Act”), the Board of Supervisors of Nelson County, Virginia (the “Board”) created the Nelson County Service Authority (the “Authority”); and

WHEREAS, the Authority is empowered to acquire, purchase, lease, construct, reconstruct, improve, extend, operate, maintain, and finance water and wastewater systems, and to otherwise have, possess, and exercise the powers granted by the Act and as otherwise authorized or permitted by law; and

WHEREAS, pursuant to the Act, the Authority is empowered to pledge for the payment of principal and interest on its revenue bonds the revenues of such water and wastewater systems, or any portion thereof, so long as the full faith and credit of the Commonwealth of Virginia, the County of Nelson, Virginia (the “County”), or any other political subdivision of the Commonwealth of Virginia are not pledged to the payment of such bonds; and

WHEREAS, the Authority desires to obtain long-term financing to provide funds to pay all or any portion of the capital costs, including for the payment or reimbursement of principal and interest accrued for interim financing, to (i) acquire, construct, rehabilitate, and equip various improvements to the Authority’s wastewater (sewer) collection and treatment system and facilities related thereto, including in the Lovingson area, and (ii) pay issuance costs in connection with such undertakings (collectively, the “Project”); and

WHEREAS, the United States of America, acting through Rural Utilities Service, an agency of the United States Department of Agriculture (“RUS”) has offered to purchase a not to exceed \$641,000 Nelson County Service Authority Wastewater Revenue Bond (Lovingston Sewer Project) (the “Authority Bond”) to provide the permanent financing needed by the Authority to pay all or any portion of the costs of the Project on the terms and conditions described in that certain RUS Letter of Conditions, dated February 14, 2024 (the “Letter of Conditions”); and

WHEREAS, in the Letter of Conditions, RUS advised that the Authority is eligible for RUS grants not to exceed \$1,594,000; and

WHEREAS, the Board of the Authority met on July 18, 2024 and authorized issuance of the Authority Bond for the Project, among other approvals, and requested that this Board approve a Support Agreement providing for a non-binding obligation of the Board to appropriate sufficient amounts to the Authority in connection to the payment obligations of the Authority under the Authority Bond and the funding and maintenance of a Debt Service Reserve Fund, as set forth in the Letter of Conditions; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Nelson County Virginia, as follows:

1. The Board, acting as the governing body of the County, hereby approves the execution and delivery of a Support Agreement by the County, to be dated the date of issuance and delivery of the Authority Bond to RUS (the “Support Agreement”), in connection with the undertakings of the Authority under the Authority Bond. The Chair or Vice Chair of the Board, or the County Administrator, any one or more of whom may act (whether individually or collectively, the “County Representative”), are each hereby authorized and directed to execute and deliver the Support Agreement substantially in the form attached to this Resolution as **Exhibit A**, which form is hereby approved. To such end, the Board hereby covenants and agrees to undertake a non-binding obligation to appropriate such amounts as may be requested from time to time, if any, in order to pay the debt service on the Authority Bond and other payment obligations of the Authority related to the Authority Bond, including the funding and maintenance of the Debt Service Reserve Fund described in the Letter of Conditions. Such moral obligation pledge of the County in connection with the Authority Bond is hereby approved and made to the fullest degree and in such manner as is consistent with the Constitution of Virginia and laws of the Commonwealth of Virginia, *provided, however*, that such pledge shall not be deemed to be a lending of the credit of the County to RUS or to any other person or entity or otherwise deemed to be a pledge of the faith and credit or the taxing power of the County, and such pledge shall not bind or obligate the Board or any future Board to appropriate funds for such purposes or otherwise in connection with the Authority Bond.

2. The County Representative and such officers, employees, and agents of the County as any one or more of them may designate, are each authorized and directed to execute and deliver any and all additional instruments, certificates, and other documents as may be necessary or convenient in order to carry out the purposes of this Resolution, all as may be advised by legal counsel.

3. This Resolution shall be effective immediately upon its adoption.

Ms. Fitzgerald noted that there would be an event at the Courthouse on August 20th at 11 am. and if the Board was able to attend, that would be great. She thanked the Board.

B. Wild Rose Solar Waiver of 60-Day Hearing Requirement

Ms. Bishop introduced the subject, noting that the Board was familiar with the Wild Rose Solar Project in Gladstone. She reported that the Planning Commission heard the Special Use Permit request for the Wild Rose Solar Project at their meeting in June. She noted that the meeting was two-fold, she explained that one part was a 2232 Review, which was State Code Section 15.2-2232. She noted that the 2232 Review required a locality to review solar projects for substantial accordance with their Comprehensive Plan. She noted that was one (1) vote, and the second vote was the recommendation for the Special Use Permit. Ms. Bishop reported that the Planning Commission voted 4-1 that the project was not in substantial accordance with the Comprehensive Plan. She also reported that the Planning Commission voted 5-0 to recommend denial of the Special Use Permit.

Ms. Bishop reported that the applicant had appealed the 2232 determination by the Planning Commission, to the Board of Supervisors, who could uphold or overturn that determination. She indicated that as part of the appeal document, the applicant was requesting waiver on the requirement for the Board of Supervisors to hear the appeal within 60 days. She noted that the reason for the waiver was to allow the Board to review the 2232 appeal, the Special Use Permit, and the Siting Agreement, all at the same time at the October meeting during the evening session. Ms. McGarry noted there may be a change to when the items would come before the Board. She indicated that she had spoken with Jeannine Johnson, and she had mentioned possibly November instead. Ms. Bishop noted that the Board did not need to take any action at this time, just a general consensus to accept the waiver. She indicated that special use permits had to be voted on within a year of the application. Ms. Bishop and Ms. McGarry indicated that Jeannine Johnson of Wild Rose was also present if the Board had any questions.

Mr. Rutherford asked what action was needed. Ms. Bishop noted that a general consensus to accept the waiver was all that was needed. She reiterated that the applicant was asking to waive the 60-day requirement for the appeal so that all three (3) items could be heard together. Mr. Parr noted he was fine with that.

Dr. Ligon noted the one year deadline and asked when the paperwork was submitted for the special use permit. Ms. Bishop noted it was submitted around April 2024 but she would have to check.

The Board was in consensus to accept the waiver of the 60 day hearing requirement for the appeal. Ms. Bishop noted they would be meeting internally to firm up the siting agreement. She asked that the Board reach out to her if they had any questions on the project.

C. Forgiveness of \$50,000 Rockfish Valley Fire & Rescue Loan (**R2024-60**)

Ms. McGarry noted that during the Board's budget work sessions, it was discussed that the County would potentially put off purchasing a new ambulance and possibly acquire Unit 56 from Rockfish. She explained that in lieu of paying Rockfish \$50,000 for that unit, they had discussed forgiving \$50,000 from Rockfish's current interest free loan. She reported that Rockfish had a current outstanding balance of \$145,312.50. She noted that Resolution 2024-60 would make it official, and would direct the Treasurer to take the needed steps to reduce Rockfish's outstanding loan balance by \$50,000 and it would also effect any documentation and General Ledger entries necessary to reflect the directive. Mr. Parr noted this the resolution would make official what the Board had already approved. Ms. McGarry noted it had not been approved but it was discussed and there had been no objection during the discussion.

Dr. Ligon moved to approve **Resolution R2024-60** and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote and the following resolution was adopted:

RESOLUTION R2024-60
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR FORGIVENESS OF \$50,000 FROM INTEREST FREE LOAN
BALANCE FOR ROCKFISH VALLEY VOLUNTEER FIRE AND RESCUE

WHEREAS, in lieu of purchasing a new ambulance for Nelson's EMS program (NEMS) in Fiscal Year 2024/2025, Rockfish Valley Volunteer Fire and Rescue is transitioning their unit Rockfish 56 into the NEMS fleet; and

WHEREAS, at the March 15, 2024 FY24/25 budget work session, staff and the Board discussed that instead of paying \$50,000 for unit 56, Rockfish Valley Volunteer Fire and Rescue would be forgiven of

\$50,000 from their interest free loan from the County, which is known to have a current outstanding balance of \$145,312.50;

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors that in consideration of incorporating Rockfish unit 56 into the NEMS fleet, Rockfish Valley Volunteer Fire and Rescue is hereby formally forgiven of \$50,000 from their interest free loan and the Treasurer is requested to reduce their outstanding loan balance in the amount of \$50,000 and effect any documentation and General Ledger entries necessary to reflect this directive.

D. Rescheduling of November 2024 Regular Meeting (**R2024-61**)

Ms. McGarry explained that Resolution 2024-61 proposed to rescheduled the November regular Board meeting from November 12th to Thursday, November 14th. She noted the proposed change was so that the Board could go to the VACo Conference being held through November 12th. Mr. Parr noted that the change in date was a regular occurrence. Ms. McGarry confirmed that this change was done annually. Dr. Ligon asked if there was a Jail Board meeting on that day. Ms. McGarry noted that she would have to check on the date. Ms. Spivey noted that the Jail Board meeting took place on the second Thursday of the month and the 14th was the same meeting date, so there could potentially be a conflict. Mr. Rutherford asked if there was potentially anything important that they would be voting on at the Jail Board meeting. Ms. McGarry noted that she was not aware of anything. She indicated that the Jail Board meeting took place from 12:00 p.m. to 2:00 p.m. Mr. Parr suggested that if they got closer to the date and it looked like a big Jail Board meeting, the Board could push to a later start time to allow Ms. McGarry and Dr. Ligon to attend the Jail Board meeting. Dr. Ligon noted that she and Ms. McGarry could attend the Jail Board meeting virtually if needed, but the Jail Board would need to have a quorum in person. Mr. Rutherford suggested setting the date and then work to adjust the time later if needed.

Dr. Ligon moved to approve **Resolution R2024-61** and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote and the following resolution was adopted:

RESOLUTION R2024-61
NELSON COUNTY BOARD OF SUPERVISORS
RESCHEDULING OF NOVEMBER 2024 REGULAR MEETING

WHEREAS, the Nelson County Board of Supervisors hereby establishes that an alternate date for the Board's regular monthly meeting on November 12, 2024 is necessary due to the attendance of some members of said governing body at the annual conference of the Virginia Association of Counties through November 12, 2024;

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors pursuant to §15.2-1416 (Regular meetings) of the Code of Virginia that the regular meeting of the Board on **Tuesday, November 12, 2024** be and hereby is rescheduled to **Thursday, November 14, 2024**.

E. Authorization for Acceptance of Conveyance of Callohill Property (**R2024-62**)

Ms. McGarry reported that the Board had previously approved a purchase agreement for the reference piece of property on Callohill. She indicated that the property was Tax Map #57-A-34K and described as all that certain tract or parcel of land, with improvements thereon and appurtenances thereto belonging, situated in the Lovingston Magisterial District of Nelson County, Virginia, containing two and thirty-seven hundredths (2.37) acres, more or less, with said lands fronting on U.S. Route #29 and Callohill Drive. She indicated that the property was adjacent to the current County property where the Maintenance Shop was located. She explained that the purchase of the property was intended to provide a storm water management retention area in case of future road widening and paving. She reported that the purchase price for the property was \$90,000. She noted that Resolution 2024-62 would authorize herself or Mr. Payne to accept the conveyance of the property, and if approved, they could effect the deed and make the purchase.

Mr. Rutherford moved to approve **Resolution R2024-62** and Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote and the following resolution was adopted:

RESOLUTION R2024-62
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR ACCEPTANCE OF CONVEYANCE
CALLOHILL PROPERTY – DENISE KILMER, EXECUTOR AND TRUSTEE
AND MCGHEE FAMILY LLC

BE IT RESOLVED, the Nelson County Board of Supervisors does hereby approve and accept the conveyance of real estate from Denise Kilmer, Executor of the Estate of Stephen B. Birchell, and Trustee of the Stephen B. Birchell Trust, and McGhee Family L.L.C. for the parcel being Tax Map Number 57-A-34K and described as: “All that certain tract or parcel of land, with improvements thereon and appurtenances thereto belonging, situated in the Lovingson Magisterial District of Nelson County, Virginia, containing Two and thirty-seven hundredths (2.37) acres, more or less, with said lands fronting on U.S. Route #29 and Callohill Drive”; and

BE IT FURTHER RESOLVED, by the Nelson County Board of Supervisors that the County Administrator, Candice W. McGarry, and the County Attorney, Philip D. Payne, IV, be and hereby are authorized to accept the deed of conveyance thereof in consideration of the sum of \$90,000.00.

Mr. Parr congratulated Ms. McGarry and Mr. Payne for coming in under budget.

VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator’s Report

Ms. McGarry provided the following report:

- A. **Route 151 Speed Study Results Meeting:** A date for this meeting is in process; VDOT is trying to coordinate dates that work for their staff.
- B. **NCSA Lovingson Sewer Rehabilitation Project:** Provided favorable consideration of Agenda Item V A, a project announcement ceremony sponsored by USDA Rural Development and the Service Authority in collaboration with the Board of Supervisors, is planned for 11am on August 20, 2024 at the Courthouse Complex. RSVPs are requested by August 16th.

Ms. McGarry noted that if the weather was nice, the ceremony would take place on the Courthouse lawn and if not, it would take place in the Old Board of Supervisors Room.

- C. **Regional Planning Grant for Digital Inclusion Grant Proposal:** Nelson, along with our TJPDC regional partners are invited to participate in a regional application to the Department of Housing and Community Development for a planning grant that would enable the participating parties to seek federally funded Digital Inclusion grant funds and Broadband Equity Access and Deployment funds of which over \$500 Million will be available over the next few years. Albemarle County’s Broadband Accessibility and Affordability Office will be the lead applicant/grant manager and participating localities would work with a hired consultant to facilitate their conduct of focus groups and stakeholder interviews regarding broadband access, connectivity, and affordability. Authorization to sign a multi-jurisdictional MOU to apply for the planning grant is requested.

Ms. McGarry indicated that it was a \$25,000 grant with no local match. Mr. Rutherford noted that while Nelson County was ahead of schedule on Broadband, but if they had not been, this entity would have helped them as they had other localities across the region who also benefit from the expansion. Ms. McGarry noted that she thought it would help the County to identify whether there were any gaps in accessibility or barriers to access and affordability, and not so much on the infrastructure side. Mr. Rutherford commented that it also had the potential to produce and ensure redundancy. The Board was in consensus to have Ms. McGarry sign the MOU to apply for the Digital Inclusion Grant.

- D. **VACo Regional Meeting (Virtual):** Our virtual Regional VACo meeting is Monday, August 19th, where 2025 legislative issues will be discussed in order to help VACo develop its 2025 Legislative Program. Please send me any legislative issues affecting Nelson that you would like me to share before then.

Ms. McGarry noted that the major issues were ones they always had: unfunded mandates, School funding and School funding formulas, and potentially the LODA issue that they advocated for this past year.

E. Regional Jail:

Expansion: The project is in the schematic design phase and updated project costs are \$49,005,385 vs. the concept design estimate of \$49,021,414. In the next four (4) months the following steps will take place: September: Pre-qualification of General Contractors and design development submission and budget update provided to the Jail Board, October: Formal value engineering and

design development submission to Virginia Department of Corrections for approval, Late October/November Construction documents will be developed with 75% done in December.

Other: ACRJ had a clean audit opinion for FY23, In June 2023 our utilization was 1,093 bed days with a total of 13,827 bed days for FY24, our average daily population was 38 which is 14.31% of the total. The average total daily population was 265. As of last report, Nelson has 1 person on home electronic incarceration out of 10 total.

Dr. Ligon noted that she was learning about value engineering and what that could do to a project. She indicated that she had questions about value engineering for the Social Services building. She reported that she was able to take a tour of the jail.

- F. 2026 Reassessment RFP:** The County received three (3) proposals and pitches/interviews will be scheduled with at least two (2) firms planned for the week of August 26th. Pursuant to Competitive Negotiations procedures of the Virginia Public Procurement Act (VPPA), the firms interviewed will be ranked according to the criteria and % weight described in the RFP and the County will then negotiate a contract with the top ranked firm. If an agreement cannot be reached, the negotiations begin with the second highest ranked firm and so on. The contract is anticipated to be finalized by the end of August/early September, with the work to commence in September/October 2024.

The hired firm will begin with the Sales study and the bulk of the reassessment work will be done during calendar year 2025. Final completion of the reassessment will be contractually by December 31, 2025 and assessments effective January 1, 2026. There will be informal hearings with Assessors, as requested by citizens, followed by Board of Equalization appeal hearings during the February/March 2026 timeframe.

- G. Meals and Lodging Tax Collection Tracking:** Per the Board's directive, staff is tracking and charting the data for both Meals and Lodging (TOT) tax collection. Revenue collections in July have been added along with a note regarding the TOT tax rate change from 5% to 7% as of July 1, 2024. (See Attached)

- H. FY25 Board Retreat:** Staff is working on establishing a location for a retreat date in the range of September 17–20 and will be working with Chair Parr soon on that agenda.

- I. Broadband Authority Dissolution:** Staff has been working with the Treasurer's Office to complete final steps in closing the Authority bank account and opening a new Nelson County Broadband bank account. This is one of the final steps in this transition along with Mr. Payne completing final filings with the SCC.

- J. Staff Reports:** Department and office reports for July/August have been provided.

Dr. Ligon noted they were discussing the meals and lodging tax bar graph report. She asked if there was any way to see the actual days, or beds or nights. Mr. Rutherford noted they would like to add a third data point to show the number of Short Term Rental units that paid in that month. He suggested that it may be a separate bar graph to show the number of units utilized. Ms. McGarry noted that staff would have to take a look and see how to best present that information. Mr. Rutherford noted that the checks from booking platforms like Airbnb and Booking.com did not necessarily show who they were paying for. Ms. McGarry noted that the booking platforms were supposed to now be reporting who they were paying for. She indicated that they would have to check with the Commissioner of Revenue on that. Dr. Ligon asked about receiving quarterly reports on the County's investments. She noted that interest rates were changing and she wanted to know where investment rates stood.

2. Board Reports

Dr. Ligon:

Dr. Ligon reported that she was highly saddened and interested in the access to medical care and things that people had when they went to jail. She indicated that it was actually exceptional compared to the average joe, which she noted, made her sad for the average joe. Mr. Rutherford asked if they talked about check in and check out interviews at the jail. Dr. Ligon explained the intake process at the Albemarle Charlottesville Regional Jail (ACRJ). She reported that 30 percent of people taken into the jail were there due to some mental health issue. She indicated that there was a mental health assessment performed by a nurse practitioner. She noted that if someone was there for more than two (2) days, they received a full physical exam and bloodwork by a practitioner. She noted that there was access to nurse practitioners and doctors for one-on-one appointments for more than 30 minutes. She reported that they also had a dental office and

pharmacy. She indicated that the jail had a handle on the healthcare situation and it was the way everyone should live, but you had to go to jail for that.

Mr. Rutherford:

Mr. Rutherford reported that the TJPDC did not meet this month and he indicated that they should be meeting next month.

Mr. Parr:

Mr. Parr reported that EMS did not meeting this month.

B. Appointments

The Board had no appointments to consider. Mr. Parr noted that they still had a vacancy on the Social Services Board for the Central District. He reported that he had reached out to a couple of people but had not found anyone. Ms. Spivey indicated that she had spoken with Mr. Reed and he had indicated that he spoke with a few people who seemed interested, but no applications had been received to date.

C. Correspondence

Dr. Ligon noted that she went to Social Services and had a long chat with several people there. She noted that Social Services was helping more and more families who were struggling. She reported that she had also talked to Marian Dixon with the Nelson County Food Pantry and the number of people they were serving had almost doubled in a year. She noted that people were struggling and sometimes they just needed help. Dr. Ligon also reported that the number of children in foster care was lower currently.

D. Directives

Mr. Rutherford noted that he a proclamation for 9/11 for the American Legion 9/11 ceremony that he would like to put on the September 10th agenda. He indicated that he would provide details on the ceremony once he had them.

Mr. Parr reminded the Board that he would be absent from the September 10th Board meeting.

Mr. Parr reported that he been approached by the local Fleetwood Harmony Masonic Lodge, and they had been working on a fundraiser to help raise money to provide a cover for the caboose at the Piney River Trail which had been restored. He noted that they had talked with Parks and Recreation and Ms. McGarry about putting some sort of cover over the caboose. He noted that the Masonic Lodge had several members tied in with that. He indicated that Ted Hughes was very active in restoring the caboose, and his son-in-law, Roger Huffman. Mr. Parr reported that the Masonic Lodge had raised a little over \$6,000 for the cover and the estimate was around \$18,000 to \$20,000. He explained that the caboose would have to be moved due to a power easement, and the cover would get in the way. He noted that they would move it a little and then constructing a pole type structure over the caboose to protect it. Ms. McGarry noted she would check the amounts quoted. He asked what to do with the \$6,300 that the Freemasons had raised and whether the County wanted to kick in the balance, or have the Freemasons use the funds for something else or return it to the donors. Mr. Parr noted that it was a County owned property that the caboose was located on. He commented that the County had thrown around the idea of covering the caboose, and it was taken up as a project to help raise some money as a community service by the Masons. Ms. McGarry noted they could get the estimates from Jerry West and bring them back in October for further discussion. Mr. Parr suggested having Mr. West provide those quotes and having him obtain updated quotes if needed.

VII. CLOSED SESSION PURSUANT TO §2.2-3711 (A)(3) &(A)(7) (AS NEEDED)

Dr. Ligon moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code Sections 2.2-3711- (A)(3) - "Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body." ; and,(A)(7) - "Consultation with legal counsel and briefings by staff members pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body" – Litigation pertaining to the Region 2000 Services Authority." ; and, (A)(8) - "Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter." Mr. Rutherford seconded the motion and there being no further

discussion, Supervisors voted unanimously (3-0) by roll call vote to approve the motion.

Supervisors conducted the closed session and upon its conclusion, Dr. Ligon moved to reconvene in public session. Mr. Rutherford seconded the motion and there being no further discussion, Supervisors voted unanimously (3-0) by roll call vote to approve the motion.

Upon reconvening in public session, Dr. Ligon moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Mr. Rutherford seconded the motion and there being no further discussion, Supervisors voted unanimously (3-0) by roll call vote to approve the motion.

Authorization to Enter Purchase Agreement for Real Estate

Ms. McGarry noted that the proposal before the Board was to approve an agreement for the purchase of real estate at a purchase price of \$775,000 for property in Lovingston at 37 Tanbark Plaza for the Department of Social Services Building. She explained that in an effort to more efficiently provide the building for the Department of Social Services, the purchase of the property reduces the overall estimated cost of the project. Dr. Ligon moved to authorize an agreement for purchase of real estate at 37 Tanbark Plaza. Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote.

Ms. McGarry reported that they would conduct a study period for a certain amount of time, and if satisfied, the County would then proceed with the settlement on the property.

PMA Architecture Contract Amendment #6

Mr. Rutherford moved to approve PMA Architecture's Contract Amendment #6 Memorandum as amended, striking items 5b Architectural Design and 5c MEP Design Scope. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote.

Ms. McGarry noted that the memorandum for Amendment #6 reduced the cost of PMA Architecture's fees pursuant to a lesser civil engineering estimated cost revised for the new site at 37 Tanbark Plaza.

VIII. ADJOURN AND CONTINUE TO AUGUST 28, 2024 AT 4 P.M. FOR A JOINT WORK SESSION WITH THE PLANNING COMMISSION (AN EVENING SESSION WILL NOT BE CONDUCTED)

At 3:47 p.m., Mr. Rutherford moved to adjourn and continue to August 28, 2024 at 4:00 p.m. for a joint work session with the Planning Commission. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.